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Berkshire Hathaway Homestate
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U.S. DISTRICT COURT
DISTRICT OF WYOMING
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STEPHAN HARRIS, CLERK
CHEYENNE

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF WYOMING

PAUL WOODIE, KIM WOODIE, and
BIG BEAR TOWING & REPAIR, LLC,

Plaintiffs,

v.

BERKSHIRE HATHAWAY HOMESTATE
INSURANCE COMPANY and
NATIONAL INDEMNITY COMPANY,

Defendants.

Civil No. 18-cv-158-F

DEFENDANTS' NOTICE OF REMOVAL

Defendants Berkshire Hathaway Homestate Insurance Company ("BHHIC") and National Indemnity Company ("NICO"), by and through their attorneys, Hickey & Evans, LLP, hereby file this Notice of Removal pursuant to 28 U.S.C. §§ 1446(a) for the purpose of removing the above-entitled action from the District Court of the Ninth Judicial District in and for Teton County, State of Wyoming. In support of this motion, Defendants state as follows:

1. Defendants are named as defendants in an action on an insurance policy commenced against them in the District Court of the Ninth Judicial District in and for Teton County, State of Wyoming. The lawsuit is recorded on the court's docket as Case No. 17841 (hereinafter the "State Court Action").

2. A copy of the complaint and summons purportedly served on Defendants on October 23, 2018, is attached hereto as Exhibit A.

3. This Notice is timely filed pursuant to 28 U.S.C. § 1446(a).

4. The Complaint identifies the following parties, Paul Woodie, Kim Woodie, Big Bear Towing & Repair, LLC, Berkshire Hathaway Homestate Insurance Company, and National Indemnity Company.

5. The Removal of this lawsuit is based upon complete diversity of citizenship between all of the Plaintiffs and all of the Defendants, pursuant to 28 U.S.C. § 1332. Plaintiffs Paul Woodie and Kim Woodie are citizens of the State of Idaho. Plaintiff Big Bear Towing & Repair, LLC, is a limited liability company organized and existing under the laws of the state of Wyoming with its principal place of business in the state of Wyoming. Defendant National Indemnity Company is a Nebraska corporation with its principal place of business in the state of Nebraska. Defendant Berkshire Hathaway Homestate Insurance Company is also a Nebraska corporation with its principal place of business in the State of Nebraska. For diversity purposes, "a corporation shall be deemed to be a citizen of any state by which it has been incorporated and of the state where it has its principal place of business." 28 U.S.C. § 1332(c)(1). Thus, there is complete diversity of citizenship.

8. To the best of the undersigned's knowledge, and pursuant to 28 U.S.C. § 1446(a), exhibits attached to this Notice represent copies of all process, pleadings, and orders served upon these Defendants.

9. As of the date of the filing of this Notice, no hearings have been set in the State Court action, and a trial date has not been set.

10. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1441(a), which authorizes removal to the United States District Court for the District encompassing the place where the removed action is pending.

11. Defendants will serve and certify service of copies of this Notice of Removal to all adverse parties as required by 28 U.S.C. § 1446(d). Additionally, a copy of this Notice of Removal will be filed with the Clerk of the Court for the Teton County District Court, State of Wyoming, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendants hereby remove the case pending against them in the Ninth Judicial District Court of Teton County, State of Wyoming, entitled *Woodie, et al. v. Berkshire Hathaway Homestate Insurance Company, et al.*, Case No. 17841, to the United States District Court for the District of Wyoming.

Respectfully submitted this 13th day of November, 2018.

NATIONAL INDEMNITY COMPANY and
BERKSHIRE HATHAWAY HOMESTATE
INSURANCE COMPANY
Defendants

A handwritten signature in blue ink, appearing to read "John A. Coppede", is written over a horizontal line.

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CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of November, 2018, a true and correct copy of the foregoing **DEFENDANTS' NOTICE OF REMOVAL** was served by United States mail, first-class postage prepaid, on the following:

William R. Fix
Jessica Simons
Fix Law Office
P.O. Box 297
Jackson, WY 83001


Hickey & Evans, LLP